

REMARKS

This paper is responsive of an Office Action mailed on June 14, 2005. Prior to this response claims 1-13 were pending. After amending claims 1 and 2, and adding claims 27-28, claims 1-13 and 27-28 remain pending.

The Office Action has rejected claims 1-13 under 35 U.S.C. 112, second paragraph, for being indefinite. Specifically, the Office Action states that the meaning of "establishing a gate work function ..." is unclear. In response, claim 1 has been amended to remove the word "establishing" and simply recite that the gate electrode has a work function.

Claims 1-13 have been rejected under 35 U.S.C. 102(e) as anticipated by Hsu et al. ("Hsu"; US Pub 2002/0142531). The Office Action states that Hsu describes all the limitations of claim 1. This rejection is traversed as follows.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Claim 1 has been amended to recite that the first barrier layer has a thickness of 5 nm. It is the thinness of this metal layer that prevents it from having an impact on the gate electrode work function. This limitation more clearly distinguishes claim 1 from Hsu. Hsu states that his first metal barrier layer 20 has a thickness of 5 to 20 nm [0016]. Therefore, Hsu does not describe a first metal barrier thickness of less than 5 nm, a limitation of the invention of claim 1. Since Hsu does not describe every limitation, he cannot anticipate claim 1. Claims 2-13, dependent upon claim 1, enjoy the

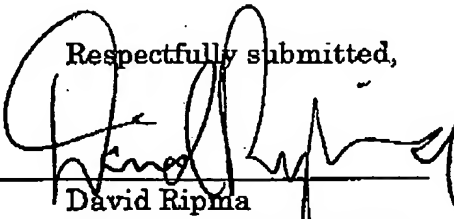
same distinctions from the cited prior art, and the Applicant respectfully requests that the rejection be removed.

It is believed that the application is in condition for allowance and reconsideration is earnestly solicited.

Date:

7/6/05

Respectfully submitted,


David Ripma
Registration No. 27,672

Customer Number 27,518
Sharp Laboratories of America, Inc.
5750 NW Pacific Rim Blvd.
Camas, WA 98607
Telephone: (360) 834-8754
Facsimile: (360) 817-8505
dripma@sharplabs.com